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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/682,418	10/10/2003	Masayuki Sumi	05905.0174	9609

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EXAMINER	
HSU, RYAN	

ART UNIT	PAPER NUMBER
3714	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/682,418	SUMI ET AL.	
	Examiner	Art Unit	
	Ryan Hsu	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 December 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2 and 4-9* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2 and 4-9* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

In response to the amendments filed on 12/3/07, claims 7-8 have been amended. Claims 2 and 4-9 are pending in the current application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2 and 4-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Satsukawa et al. (US 6,379,249 B1) and Kami et al. (US 5,853,324) and Farkas' Diablo II: Ultimate Strategy Guide (Copyright 2001) and further in view of Matsuyama et al. (US 6,582,299 B1).

Regarding claims 1 and 7-9, Satsukawa teaches a computer program product including a computer program causing a computer system to execute processing for determining whether or not bullets that are virtually fired in response to an input operation of a player collide with an enemy-character that is computer controlled, and processing for displaying the enemy character in a virtual space viewed from a virtual viewpoint on a screen, the computer program causing the computer system to execute: a) determining whether or not a visual effect request for requesting visual effect processing is input by a player (*ie: the first player perspective of the virtual game where the player is interacting with the game the program waits for input*)(*see Fig. 2 and the related description thereof, col. 7: ln col. 18: ln 55*); (c) displaying circumstances in the virtual space where the enemy-character is located based on a changed time scale (*ie: elapsed*

progression in the game); (d) determining whether or not bullets that are virtually fired in response to an input operation of the player collide with the enemy-character being a shooting target or collide with bullets that are virtually fired from the enemy-character being a shooting target or collide with bullets that are virtually fired from the enemy-character and are shooting targets (*see col. 7: ln 28-65, col. 8: ln 36-60*); (e) displaying an image of the shooting target being shot at one the screen when bullets that are virtually fired responding to an input operation of the player collide with the shooting target (*ie: shoots a locus of bullets when player input is received*) (*see col. 8: ln 24-55*); (f) displaying a remaining time for the computer system to execute the display of circumstances; (g) decreasing the remaining time in proportion to an elapse time in which the computer system executes the displaying of circumstances (*see col. 11: ln 13-col. 12: ln 62*). However, Satsukawa is silent with respect to the specific teaching of a running time limit or remaining time in proportion to the elapsed time to change such things as the display speed of the enemy-character and restoring a time scale when the remaining time is over.

In an analogous gaming patent, Kami et al. teaches the implementation of a shooting game where an elapsed time reduces in game play that decreases in proportion to an elapsed time in which the computer system executes the displaying of circumstances. Additionally, the system of Kami teaches the determining of whether or not the remaining time as the element of a running clock to accomplish tasks in a game adds an element of excitement to the game. However, as taught in Kami the remaining time may be restored to a normal value when a certain accomplishment or progression through the game has been reached where the player may be awarded more time or the scale will be reset to a preset amount of time (*see time limit [380] of*

Fig. 3 and the related description thereof). Furthermore, Kami et al. teaches determining whether or not a plurality of bullets that are virtually fired in response to an input operation of the player consecutively collide with the enemy-character or with bullets that are virtually fired from the enemy-character and increasing the remaining time more when the plurality of bullets that are virtually fired in response to an input operation of the player consecutively collides with bullets that are virtually fired from the enemy-character than when the plurality of bullets that are virtually fired in response to an input operation of the player consecutively collide with neither the enemy-character nor bullets that are virtually fired from the enemy-character (*see time limit [380] of Fig. 3 and the related description thereof, Fig. 8(a-c) and the related description thereof*). One would be motivated to incorporate such features into that of shooting game in order to create another layer of intensity within the game play. It would also require the player accomplish the goals in the game to progress and eliminate the enemy player-characters efficiently. Therefore it would have been obvious to one of ordinary skill in the art to modify the features taught in Satsukawa with that of Kami in order to create a computer program product that incorporated a time scale element that effected the progression of a video game at the time the invention was made. However, although Satsukawa and Kami allow for a battle game to incorporate different time elements it is silent with respect to stating an ability to change a time scale "such that a display speed of at least the enemy-character and each one of the bullets fired from the enemy-character become slower when the visual effect request is input.

In a related gaming reference, Farkas teaches an analogous game that incorporates an feature called "frost nova" which generates by the input of the user an icy shockwave that spreads out in all directions around a player character and freezes all targets its hits as it travels

outwards from its position. This feature of a "frost nova" is effectively a visual effect request for a time scale and requires the causes the program, due to an input by a player, to effect the visual processing. As a result of the "frost nova", all of the affected enemy characters are slowed by a set length of time and are damaged in the process of this feature and allow the ability to move faster than the enemy-characters so that the player is given a temporary advantage by having the ability to fire and respond faster then the enemy characters (*see pg. 73*). Therefore, the feature of a "frost nova" taught by Farkas with reference to Diablo II teaches a changing a time scale such that a display speed of at least the enemy-character and each one of the bullets (*ie: movements*) fired from the enemy-characters become slower when the visual effect request is input (*see pg. 73*). One would be motivated to incorporate such a feature into another shooter/battle game because it would allow the player to gain a selected advantage in being able to eliminate the enemy characters with greater ease in playing the game and produce the expected result of allowing the game to temporarily give an advantage to a player. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the features taught in Farkas with that of the computer program product taught in Satsukawa and Kami.

To further exemplify the point addressed above with Farkas, a related shooting game patent teaches the process in which a bullet is displayed and calculated to "hit" an enemy or player character. As taught in Matsuyama et al. the time limit of the scale is important when determining a character has been hit with a projectile. By incorporating the teachings of Farkas with that of the shooting games of Satsukawa, Kami and Matsuyama to create an advantage by changing the speed of enemy characters or the speed of player characters one can be given a

sizeable advantage in the play of a game. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the features from these shooting game programs to incorporate into a game as it would produce the expected result as taught by the various pieces of prior art. Additionally, it is noted that the claim is directed towards a game program stored on a game medium. As such they have been interpreted as apparatus claims and therefore the various elements from the different games not only teach the various elements as suggested by the applicant's claims but are adaptable to incorporate the features as suggested by the various limitations of the instant claims.

Regarding claim 2, Satsukawa discloses the computer program product wherein the computer program product causes the computer system to execute whether processing transitions to bullet fire wait status where a bullet is fired from the enemy-character to the player-character within a predetermined time, and if processing transitions to the bullet fire wait status, the computer program causes the computer system to determine whether the player input called for a visual effects request (*see Fig. 24 and the related description thereof, col. 12: ln 32-67*).

Regarding claim 4, Satsukawa disclose a computer program wherein the computer program product causes the computer system to determine whether the mode is a mode where two or more players play, and to update the remaining time so that the increasing amount of the remaining time when it is determined that the mode is a mode where two or more players play (*see col. 9: ln 39-col. 10: ln 30*), becomes different from the increasing amount of the remaining time in a mode where one player plays.

Regarding claim 5, Satsukawa disclose a program product wherein the computer program causes the computer system to determine whether or not the displaying of circumstances with

respect to the image display processing and visual effects is being executed and if it is determined that the image display processing with the visual effects is being executed, the computer program causes the computer system to execute image effects processing for changing the display mode visually before and after the image display processing with the visual effects is executed (*see Fig. 2 and the related description thereof, col. 8: ln 23-54*).

Regarding claim 6, Satsukawa disclose wherein the visual effect request input is a control signal, which is output to the computer system when a player steps on a foot pedal connected to the computer system (*see col. 8: ln 23-36*).

Response to Arguments

Applicant's arguments filed 12/3/07 have been fully considered but they are not persuasive. Applicant's representative argues that the prior art of record does not discuss the limitation: "(c) displaying circumstances in the virtual space viewed from teh virtual viewpoint on the screen where the enemy-character is located based on the changed time scale...step (c) further comprises changing the display speed of the player in response to the player input operation, causing the player speed to be faster that the speed of the enemy-character". Examiner respectfully disagrees. In the prior art of Satsukawa and Kami, a shooting game is established where the virtual space is viewed from the virtual viewpoint and wherein an enemy-character is located based on a time scale (*ie: the natural progression of the game and where enemy-characters will appear throughout a game stage*). When placed in combination with the teachings of Farkas and the "frost-nova" feature, the time scale is changed where the speed of the enemy characters is altered and allowing the player character to be faster than all the surrounding enemy characters. This meets the limitations of the instant claim invention. The applicant

argues that the frost-nova fails to meet the criteria because it fails to disclose "the display speed responding to an input operation of the player being relatively faster than the enemy-character and each one of the bullets fired from the enemy-character". Examiner disagrees with this statement, the applicant's representative has misconstrued the feature of "Frost nova" as being an attack and therefore does not qualify as meeting the limitations of the instant claims. However, all that is currently required of the instant claims is for the program to "(a) determinining whether or not a visual effect request about a time scale for requesting visual effect processing is input by a player". Assuming arguendo, an "attack" using the "frost nova" feature initiated by the player would still meet the limitations of the claims and as taught by Farkas' it alters the speed or time scale of the various enemy characters and their attacking abilities during the changed time scale. As such, the Examiner respectfully disagrees with the characterization the applicant's representative has made of the prior art of record and does not find it persuasive.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hanai et al. (US 6,967,650 B1) – Image Generating System and Program.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan Hsu whose telephone number is (571)272-7148. The examiner can normally be reached on 9 :00-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571)272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RH
January 28, 2008

ROBERT E. PEZZUTO
SUPERVISORY PRIMARY EXAMINER